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Attorneys for Defendant
ABBOTT LABORATORIES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MEIJER, INC. & MEIJER DISTRIBUTION,
INC., on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

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Case No. C 07-5985 CW

Related by Order to:

Case No. C 04-1511 CW

**DECLARATION OF CHARLES B. KLEIN
IN SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL**

The Honorable Judge Wilken

Winston & Strawn LLP
35 W. Wacker Drive
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1 ROCHESTER DRUG CO-OPERATIVE, INC.,)
on behalf of itself and all others similarly)
2 situated,)

3 Plaintiffs,)

4 vs.)

5 ABBOTT LABORATORIES,)

6 Defendant.)

7 LOUISIANA WHOLESALE DRUG)
8 COMPANY, INC., on behalf of itself and all)
others similarly situated,)

9 Plaintiffs,)

10 vs.)

11 ABBOTT LABORATORIES,)

12 Defendant.)
13)
14)

Case No. C 07-6010 CW

Related by Order to:

Case No. C 04-1511 CW

**DECLARATION OF CHARLES B. KLEIN
IN SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL**

The Honorable Judge Wilken

Case No. C 07-6118 CW

Related by Order to:

Case No. C 04-1511 CW

**DECLARATION OF CHARLES B. KLEIN
IN SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL**

The Honorable Judge Wilken

1 I, Charles B. Klein, declare:

2 1. I am an attorney at law, admitted to practice in this Court for this matter. I am
3 a partner with the law firm of Winston & Strawn LLP, counsel of record for Abbott Laboratories,
4 and I am authorized to make this Declaration in that capacity.

5 2. I submit this Declaration under Local Rule 79-5 (c) and (d) in support of filing
6 certain portions of Plaintiffs' motion under seal. Plaintiffs submitted their redacted Direct Purchaser
7 Class Plaintiffs' Notice of Motion and Motion for Class Certification. Plaintiffs also submitted
8 under seal their accompanying Class Certification Declaration of Hal Singer, Ph.D.

9 3. The Direct Purchaser Class Plaintiffs' Notice of Motion and Motion for Class
10 Certification, as redacted by the Plaintiffs, may be filed in the public record. It is my understanding
11 that the portions that have been redacted from the class certification motion reflect, in general,
12 Abbott's pricing practices for its pharmaceutical products that are not shared with the public or
13 widely disseminated even within Abbott. As explained further in the Declaration of Jeffrey J.
14 Devlin at ¶¶ 4-5, Case No. C-04-1511 CW, Docket No. 231, this information is kept in the highest
15 confidence even within Abbott and is not intended to be disseminated to the general public or
16 Abbott's competitors.

17 4. It is my understanding that the Class Certification Declaration of Hal Singer,
18 Ph.D. ("Singer Declaration") contains significant analysis of Abbott's pricing practices and
19 strategies based on documents and data that Abbott produced under a "Confidential" or "Highly
20 Confidential" designation. In making such designations, Abbott made efforts to limit the scope of its
21 redactions, keeping the redacted information to only confidential and/or proprietary information that
22 is sensitive to Abbott's business and/or ability to compete. The Singer Declaration contains
23 information on Abbott's strategic thinking and views related to pricing, market positioning, market
24 segmentation, internal projections, long-range planning, and sales of its pharmaceutical products that
25 are not shared with the public or widely disseminated even within Abbott.

26 5. Only selected portions of the Singer Declaration rely on Abbott's confidential
27 documents produced in this case. These portions should be sealed as a result of such reliance.
28 Abbott has identified these portions in a Redacted Class Certification Declaration of Hal Singer,

1 Ph.D. (attached as Ex. A.). Abbott takes no position on whether the remainder of the Singer
2 Declaration should be sealed pursuant to Local Rule 79-5.

3 6. It is also my understanding that the sealed information in the class
4 certification motion and Singer Declaration could be confusing, misleading, or incomplete if taken
5 out of context or without the proper background information. Therefore, some of the information
6 redacted, in addition to being competitively sensitive, could be used to mislead the public and be
7 perceived in a way that was never intended by the author or the deponent.

8 7. Moreover, the redacted information contained in these documents could be
9 useful to Abbott's competitors who would learn Abbott's strategic thinking, decision-making
10 processes, and the type of information used to make its important decisions. Accordingly, any
11 disclosure of this information would be harmful to Abbott.

12 I declare under penalty of perjury under the laws of the United States of America that
13 the foregoing is true and correct.

14 Executed in Washington D.C, this 12th day of May, 2008.

16 /s/ Charles B. Klein

17 Charles B. Klein
18 Attorney for Defendant Abbott Laboratories
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